

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JIMMIE STEPHEN,
Plaintiff,
v.

No. C 12-3722 SI (pr)

**ORDER DENYING MOTION FOR
ENTRY OF DEFAULT; SETTING
BRIEFING SCHEDULE**

DR. REYES,
Defendant.

Plaintiff's motion for entry of default is DENIED. (Docket # 25.) Defendant Reyes was not in default because she had filed her answer before the motion for entry of default was filed. The other defendants were not in default because they earlier had been dismissed.

Defendant filed an *ex parte* request for an extension of time to file a dispositive motion. Upon due consideration of the request and the accompanying declaration of attorney Troy Overton, the court GRANTS the request. (Docket # 31.) Defendant's motion for summary judgment filed on June 10, 2013 is deemed to have been timely filed. Plaintiff filed a cross-motion for summary judgment on June 17, 2013. The court now sets the following briefing schedule on the parties' cross-motions for summary judgment:


1. Plaintiff must file and serve his opposition to defendant's motion for summary judgment no later than **July 26, 2013**.
2. Defendant must file and serve her opposition to plaintiff's cross-motion for summary judgment no later than **July 26, 2013**.
3. The parties must file and serve their reply briefs no later than **August 9, 2013**.

1 Just two days after defendant mailed her motion for summary judgment to him, plaintiff
2 mailed to the court an "opposition and cross-motion for summary judgment" (Docket # 39) and
3 a "motion to strike non-genuine issues" (Docket # 38), and within a couple more days, he mailed
4 a second motion to strike (Docket # 42). At this rate, the court will have a rather large pile of
5 opposition filings before it is able to decide the cross-motions for summary judgment. The court
6 does not want plaintiff to be filing documents as ideas pop into his head, and instead requires
7 that he comply with the ordinary requirement that a single opposition be filed in response to a
8 pending motion. Plaintiff's motions to strike (Docket # 39 and # 42) are DENIED as premature.
9 Plaintiff must file a single opposition brief by the deadline provided in this order in which he
10 asserts all his arguments in opposition to defendant's motion for summary judgment. Each
11 party's opposition brief may not exceed 25 pages, and each party's reply brief may not exceed
12 15 pages.

13 Plaintiff's requests for a copy of the docket sheet and order of service are GRANTED.
14 (Docket # 28 and # 29.) The clerk will mail to plaintiff a copy of the docket sheet for this case
15 and a copy of docket # 19. From this point forward, plaintiff must pay for copies of all
16 documents he requests.

17 IT IS SO ORDERED.

18 Dated: June 27, 2013



SUSAN ILLSTON
United States District Judge